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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MERCY CASTILLO, JESSICA LORA, *and* ULISES:
RODRIGUEZ, *individually and on behalf of all others* :
similarly situated, :
Plaintiffs, :
:
- against - :
:
“EL SAN JUAN” CITY ISLAND ON 5TH AVE :
LLC, MANUEL VIDAL, *and* JOSEFINA VIDAL, :
Defendants. :
:
----- X
GREGORY H. WOODS, United States District Judge:

1:21-cv-2824-GHW

ORDER

The Court held a conference on January 11, 2024 at 4:00 p.m. at Courtroom 12C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York, 10007. This conference was scheduled, as an in-person proceeding, on December 4, 2023. Dkt. No. 114. In that order, the Court ordered that “Mr. Vidal and Ms. Vidal themselves must appear at the January 11, 2024 conference to litigate the case pro se. If they do not attend the conference, that could result in the Court finding them to be in default and the Court entering judgment against them.” *Id.* at 2. The Court reaffirmed this in another courtesy order on January 8, 2024. Dkt. No. 115. The Court, the Court’s staff, and Plaintiff’s counsel appeared at the January 11, 2024 conference. But Defendants did not, nor did any representatives for Defendants.

Defendants have additionally failed to appear at conferences in this case held on May 16, 2022, Dkt. No. 58, and June 1, 2022, Dkt. No. 60; and they initially failed to appear at the April 13, 2022 hearing until called via telephone, Dkt. No. 60. As the Court noted in its June 1, 2022 order, “all litigants . . . have an obligation to comply with court orders,’ and failure to comply may result in sanctions.” *Agival v. Mid Island Mortg. Corp.*, 555 F.3d 298, 302 (2d Cir. 2009) (quoting *Minotti v.*

Lensink, 895 F.2d 100, 103 (2d Cir. 1990)). This is Defendants’ fourth failure to appear.

Given that Defendants failed to appear at the January 11, 2024 conference, the Court orders that the parties attend a conference on February 5, 2024 at 2:00 p.m. It will take place in person at Courtroom 12C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York, 10007. Again, if counsel for Mr. Vidal and Ms. Vidal, individually, has not entered a notice of appearance by February 5, 2024, Mr. Vidal and Ms. Vidal themselves **must** appear at the January 11, 2024 conference in person to litigate the case pro se. Failure to comply with court orders, including failures to attend court-ordered conferences, can result in the imposition of sanctions. **If Mr. Vidal and Ms. Vidal do not attend the February 5, 2024 conference, that will result in the Court finding them to be in default and the Court entering judgment against them.**

In addition, as discussed during the conference held on November 16, 2023, and again in the Court’s subsequent order, Dkt. No. 109, the corporate party “El San Juan” City Island on 5th Ave LLC cannot proceed in this action pro se. *See Rowland v. California Men’s Colony*, 506 U.S. 194, 201–02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.”); *Pridgen v. Anresen*, 113 F.3d 391, 393 (2d Cir. 1997) (“[I]t is well established that a layperson may not represent a corporation.”).


In the Court’s November 16 order, the Court further stated that if counsel for the restaurant “has not entered a notice of appearance by December 16, 2023, the Court expects to enter a default judgment against “El San Juan” City Island on 5th Ave LLC. Dkt. No. 109 at 1. Given that no such notice of appearance has been filed, the Court finds “El San Juan” City Island on 5th Ave LLC in default.

The Clerk of Court is directed to mail a copy of this order to Defendants Mr. Vidal and Ms. Vidal at 9-20 166th St., Apt. 6B, Whitestone, NY 11357, and to enter a certificate of default against

“El San Juan” City Island on 5th Ave LLC.

SO ORDERED.

Dated: January 11, 2024
New York, New York



GREGORY H. WOODS
United States District Judge